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May 6, 2013

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BY ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: In the Matter of Expanding the Economic and Innovation Opportunities of
Spectrum Through Incentive Auctions, GN Docket No. 12-268
NOTICE OF ORAL EX PARTE PRESENTATION

Dear Ms. Dortch:

On Thursday, May 2, 2013, Preston Padden, Executive Director of the Expanding Opportunities for Broadcasters Coalition (the “Coalition”), met with: (1) Gary Epstein of the FCC Incentive Auction Task Force; and (2) Dave Grimaldi and Louis Peraertz of the Office of Commissioner Mignon Clyburn. Mr. Padden and Richard Bodorff of Wiley Rein also met with Commissioner Robert McDowell. On Friday, May 3, 2013, Mr. Padden met with Commissioner Jessica Rosenworcel and Alex Hoehn-Seric of the Office of Commissioner Jessica Rosenworcel.

During the meetings, the Coalition representatives commended the FCC for indicating that it has abandoned the arbitrary and ill-advised scoring of broadcast stations participating in the reverse auction on the basis of population. However, Mr. Padden observed that the FCC has offered no other objective basis to score TV stations willing to surrender their spectrum in the auction. As a result, Mr. Padden advised the meeting participants, many broadcasters continue to perceive the specter of scoring based on some arbitrary factors as a real possibility, and this is driving stations away from the auction.

Mr. Padden also told the participants at each meeting that the Commission’s proposed requirement that stations electing to channel share must continue to place a city grade signal over their community of license is unnecessarily restricting the availability of sharing partners for some interested stations. This is inconsistent, he emphasized, with the underlying principal of the incentive auction – that stations going off the air (and, thus, no longer providing a city grade signal to their community of license) will further the nation’s communications goals. Mr. Padden stressed that the FCC should be encouraging stations to surrender their channels and



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channel share, not erecting barriers to this potentially attractive mechanism for participation.

Finally, Mr. Padden expressed that restricting AT&T and Verizon from participating in the forward auction will reduce total auction revenues, thereby endangering the FCC's ability to reallocate substantial spectrum for mobile broadband and threatening its ability to fund the nationwide broadband public safety network.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Ari Meltzer".

Ari Meltzer
Counsel to the Expanding Opportunities for Broadcasters Coalition

Enclosure

cc (via e-mail):

Commissioner Robert McDowell
Commissioner Jessica Rosenworcel
Gary Epstein
Dave Grimaldi
Alex Hoehn-Seric
Louis Peraertz